

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION**

**CHAPTER 153: FLOOD DAMAGE PREVENTION**

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**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
GENERAL PROVISIONS**

## **GENERAL PROVISIONS**

### **TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / GENERAL PROVISIONS / § 153.01 FINDINGS OF FACT.**

#### **§ 153.01 FINDINGS OF FACT.**

(A) The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

(1974 Code, § 153.01) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

### **TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / GENERAL PROVISIONS / § 153.02 STATEMENT OF PURPOSE.**

#### **§ 153.02 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas, by provisions designed to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;

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(E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard;

(F) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;

(G) Help inform potential buyers that property is located in an area of special flood hazard; and

(H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(1974 Code, § 153.02) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / GENERAL PROVISIONS / § 153.03 METHODS OF REDUCING FLOOD LOSSES.**

**§ 153.03 METHODS OF REDUCING FLOOD LOSSES.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

(A) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(B) Requiring that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

(C) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(D) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(E) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(1974 Code, § 153.03) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / GENERAL PROVISIONS / § 153.04 DEFINITIONS.**

#### **§ 153.04 DEFINITIONS.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**ACCESSORY STRUCTURE.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**APPEAL.** A request for a review of the City Manager's interpretation of any provision of this chapter or a request for a variance.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1 - A30, and A99.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 100-year flood.

**BASEMENT.** For the purposes of this chapter, any area of a building having its floor subgrade (below ground level) on all sides.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining,

dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment, when located within the area of special flood hazard.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP.** A map issued by the Federal Emergency Management Agency for identifying areas of special flood hazard that have not yet been included on a Flood Insurance Rate Map.

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**FLOOD INSURANCE RATE MAP.** An official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

**HISTORIC STRUCTURE.** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Listed individually on the state inventory of historic places;
- (4) Listed individually as a historic structure or place by the Tipp City Restoration and Architectural Review Board and the Tipp City Council; or
- (5) Located within the boundaries of the Old Tippecanoe City Restoration and Architectural District, as currently mapped and as hereafter amended.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor.

**MANUFACTURED HOME.** A structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar recreational vehicles placed on a site for greater than 180 consecutive days. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE** as further defined herein and when used for temporary recreational purposes.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel or contiguous parcels of land divided into 2 or more manufactured home lots for rent or sale. Excludes any manufactured home park as defined in R.C. § 3733.01, over which the Public Health Council has exclusive rule-making power.

**NEW CONSTRUCTION.** Structures for which the **START OF CONSTRUCTION** commenced on or after the effective date of this chapter, and includes any subsequent improvements to such structure.

**RECREATIONAL VEHICLE.** A vehicle that is:

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- (1) Properly licensed by the Ohio Division of Motor Vehicles or similar registrar of another state,
- (2) Built on a single chassis,
- (3) 400 square feet or less in area when measured at the largest horizontal projection,
- (4) Designed to be self-propelled or permanently towable by an automobile or light-duty truck,
- (5) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (6) Being used for a recreational purpose and not as a place of domicile.

The term **RECREATIONAL VEHICLE** shall not include any such vehicle when installed on a permanent foundation or when placed on a site for greater than 180 consecutive days or when not fully licensed and ready for highway use. In such cases, the vehicle shall be required to meet the flood hazard reduction standards of this chapter.

**START OF CONSTRUCTION.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For the purposes of this definition, permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of an existing building, whether or not that alteration affects the external dimensions of a building.

**STRUCTURE.** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE.** Damage of any origin, sustained by a structure, wherein the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on any 2 separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25%

of the market value of the structure before the damage occurred.

***SUBSTANTIAL IMPROVEMENT.*** Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions;

(2) Any alteration of an ***HISTORIC STRUCTURE*** as defined herein, provided that the alteration will not preclude the structure's continued designation as an ***HISTORIC STRUCTURE***.

(3) Any improvement to an existing structure, including an ***HISTORIC STRUCTURE***, which is considered new construction.

***VARIANCE.*** A grant of relief to a person from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter, as approved by the Board of Appeals in accordance with §§ 153.25 and 153.26.

***VIOLATION.*** The failure of a structure or other development to be fully compliant with this chapter.

(1974 Code, § 153.04) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

## **TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / GENERAL PROVISIONS / § 153.05 LAND TO WHICH REGULATIONS APPLY.**

### **§ 153.05 LAND TO WHICH REGULATIONS APPLY.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city, as identified by the Federal Emergency Management Agency, including any additional such special flood hazard areas annexed by the city that are not identified on the effective Tipp City Flood Insurance Rate Map, but are identified on Miami County or other Flood Insurance Rate Maps.

(1974 Code, § 153.05) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
GENERAL PROVISIONS / § 153.06 BASIS FOR ESTABLISHING AREAS OF  
SPECIAL FLOOD HAZARD.**

**§ 153.06 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in its flood insurance rate map, number 390401-0005-D, effective December 8, 1998; and this and any revision thereto are adopted by reference and declared to be part of this chapter. The Tipp City Flood Insurance Rate Map is on file at the Tipp City Government Center, 260 South Garber Drive, Tipp City.

(1974 Code, § 153.06) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
GENERAL PROVISIONS / § 153.07 COMPLIANCE.**

**§ 153.07 COMPLIANCE.**

Unless specifically exempted from filing for a development permit as stated in § 153.16, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(1974 Code, § 153.07) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

Penalty, see § 153.99

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
GENERAL PROVISIONS / § 153.08 ABROGATION AND GREATER RESTRICTIONS.**

**§ 153.08 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and an ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent



restrictions shall prevail. Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

(1974 Code, § 153.08) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
GENERAL PROVISIONS / § 153.09 INTERPRETATION.**

**§ 153.09 INTERPRETATION.**

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and,
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

Where a provision of this chapter may be in conflict with a state law, the state law shall take precedence over this chapter.

(1974 Code, § 153.09) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
GENERAL PROVISIONS / § 153.10 WARNING AND DISCLAIMER OF LIABILITY.**

**§ 153.10 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(1974 Code, § 153.10) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / ADMINISTRATION**

***ADMINISTRATION***

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / ADMINISTRATION / § 153.15 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

**§ 153.15 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

(A) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 153.06.

(B) Application for a development permit shall be made on forms furnished by the City Manager, and may include, but not be limited to:

(1) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;

(2) Existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing; and

(3) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(C) If base flood elevation data are available, the following information is also required:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;

(2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed; and

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 153.31(B)(1).

(1974 Code, § 153.15) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am.

Ord. 27-98, passed 11-2-1998) Penalty, see § 153.99

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
ADMINISTRATION / § 153.16 EXEMPTION FROM FILING PERMIT.**

**§ 153.16 EXEMPTION FROM FILING PERMIT.**

An application for a development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small development activities (except for filling and grading) valued at less than \$1,000. Any proposed action exempt from filing for a development permit is also exempt from the standards of this chapter. Development activities outside of and beyond areas of special flood hazard are also exempt from the standards of this chapter.

(1974 Code, § 153.16) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
ADMINISTRATION / § 153.17 DESIGNATION OF ADMINISTRATOR.**

**§ 153.17 DESIGNATION OF ADMINISTRATOR.**

The City Manager is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(1974 Code, § 153.17) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
ADMINISTRATION / § 153.18 DUTIES AND RESPONSIBILITIES OF  
ADMINISTRATOR.**

**§ 153.18 DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR.**

Duties and responsibilities of the City Manager shall include, but are not limited to:

- (A) *Permit review.*

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(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all development permits to assure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining permits as required.

(3) Review all development permits to determine if the proposed development is located within a designated floodway. Floodways may be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of § 153.32(B)(1) is met.

(B) *Use of other base flood elevation and floodway data.* Areas of special flood hazard where base flood elevation data have not been provided by the federal emergency management agency are designated as Zone A on the community's flood insurance rate map (or flood hazard boundary map). Within these areas, the City Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer §§ 153.31(A), (B), and 153.32.

(C) *Information to be obtained and maintained.* Where base flood elevation data are utilized within areas of special flood hazard on the community's flood hazard boundary map or flood insurance rate map, regardless of the source of the data, the following provisions apply:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structures contain basements.

(2) For all new or substantially-improved floodproofed structures:

(a) Verify and record the actual elevation, in relation to mean sea level, to which the structure was floodproofed; and

(b) Maintain the floodproofing certifications required in § 153.15(C)(3).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(D) *Alteration of watercourses.*

(1) Notify adjacent communities and the State Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

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(2) Maintain engineering documentation required in § 153.15(B)(3).

(3) Require that necessary maintenance will be provided for by the party that alters the watercourse for the altered or relocated portion of the watercourse so that the flood-carrying capacity will not be diminished.

(E) *Interpretation of flood boundaries.* Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §§ 153.25 and 153.26.

(1974 Code, § 153.18) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / VARIANCE PROCEDURE**

***VARIANCE PROCEDURE***

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / VARIANCE PROCEDURE / § 153.25 APPEALS BOARD.**

**§ 153.25 APPEALS BOARD.**

(A) The Board of Appeals as established by City Council shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Manager in the enforcement or administration of this chapter.

(C) Those aggrieved by the decision of the Board of Appeals, or any taxpayer, may appeal such decision to the County Court of Common Pleas, as provided in R.C. Chapter 2506.

(D) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

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- (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage, and the effect of damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (6) The necessity to the facility of a waterfront location, where applicable;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (E) Upon consideration of the factors of division (D) and the purposes of this chapter, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (F) The City Manager shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(1974 Code, § 153.25) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / VARIANCE PROCEDURE / § 153.26 CONDITIONS FOR VARIANCES.**

**§ 153.26 CONDITIONS FOR VARIANCES.**

(A) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in § 153.25(D) have been fully considered. As the lot size increases beyond ½ acre, the technical justification required for issuing the variance increases.

(B) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character of the structure.

(C) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(E) Variances shall only be issued upon:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 153.25(D), or conflict with existing local laws or ordinances.

(F) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(1974 Code, § 153.26) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / PROVISIONS FOR FLOOD HAZARD REDUCTION**

**PROVISIONS FOR  
FLOOD HAZARD REDUCTION**

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION /  
PROVISIONS FOR FLOOD HAZARD REDUCTION / § 153.30 GENERAL  
STANDARDS.**

**§ 153.30 GENERAL STANDARDS.**

In all areas of special flood hazards the following standards are required:

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All manufactured homes not otherwise regulated by state statutes pertaining to manufactured home parks shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.



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(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems, and discharge from the systems into flood waters.

(3) Individual wastewater treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) *Subdivision proposals.*

(1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

(1974 Code, § 153.30) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / PROVISIONS FOR FLOOD HAZARD REDUCTION / § 153.31 SPECIFIC STANDARDS.**

**§ 153.31 SPECIFIC STANDARDS.**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 153.18(B), the following provisions are required:

(A) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum level of 2 feet above the base flood elevation.

(B) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum level of 2 feet above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

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(1) Be floodproofed to a level of 2 feet above base flood elevation so that below that level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this division. Such certification shall be provided to the official as set forth in § 153.15(C)(3).

(C) *Accessory structures.* An exemption to the elevation or dry floodproofing standards may be granted for accessory structures (such as sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of § 153.32(B)(1) and the following additional standards:

(1) They shall not be used for human habitation;

(2) They shall be designed to have low flood damage potential;

(3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

(4) They shall be firmly anchored to prevent flotation; and

(5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(D) *Manufactured homes.* The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of R.C. § 3733.01.

(1) Manufactured homes shall be anchored in accordance with § 153.30(A)(2).

(2) Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

(E) *Enclosures below the lowest floor.* The following standards apply to all new and substantially improved residential and nonresidential structures that are elevated to the base flood elevations using pilings, columns, or posts. Fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs meeting this requirement must:

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- (1) Be certified by a registered professional engineer or architect;
- (2) Provide a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding; and
- (3) Locate the bottoms of said openings no higher than 1 foot above the adjacent grade.

Said openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters,

and do not reduce the required total net area of the openings.

(1974 Code, § 150.31) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998) Penalty, see § 153.99

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / PROVISIONS FOR FLOOD HAZARD REDUCTION / § 153.32 FLOODWAYS.**

**§ 153.32 FLOODWAYS.**

(A) A floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential. The flood insurance rate map (or flood hazard boundary map) does not designate a floodway. However, floodways may be delineated in other available sources of flood information as specified in § 153.18(B).

(B) The following provisions apply within all delineated floodway areas:

(1) All encroachments into the floodway, including fill, new construction, substantial improvements, and other development, are prohibited, unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices by a registered professional engineer or architect demonstrates and certifies that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If division (B)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 153.30 through 153.32.

(3) Any encroachment within the floodway that would result in an increase in

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base flood elevations may only be permitted after prior approval

of a modification to the Flood Insurance Rate Map by the Federal Emergency Management Agency.

(1974 Code, § 153.32) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987; Am. Ord. 27-98, passed 11-2-1998) Penalty, see § 153.99

**TITLE XV: LAND USAGE / CHAPTER 153: FLOOD DAMAGE PREVENTION / PROVISIONS FOR FLOOD HAZARD REDUCTION / § 153.99 PENALTY.**

**§ 153.99 PENALTY.**

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person who violates this chapter or fails to comply with any of its requirements, including violations of conditions of and safeguards established in connection with conditions, shall upon conviction thereof be fined or imprisoned as provided by the laws of the city. Each day violation continues shall be considered a separate offense.

(B) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violations.

(1974 Code, § 153.99) (Ord. 11-85, passed 5-6-1985; Am. Ord. 12-87, passed 3-2-1987)